

# **EXHIBIT 22**

## **SPRINGFIELD SPORTS – EMERGENCY MEDICAL CORPORATION**

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August 23, 2018

John Mirabella, Esq.  
1600 Market St., Suite 1810  
Philadelphia, PA 19103

Re: John Doe v. SJU and Jane Roe  
Date of Incident: 2/24/2018

Dear Mr. Mirabella:

Jane Roe has accused John Doe of a “sexual assault” during a social encounter that occurred on 2/24/2018.

Records, reports, and various photographs have been forwarded for review regarding the above case, including the following:

1. Defendant, Jane Roe’s Answers To Plaintiffs Interrogatories, Civil Action No. 18 C.V. 2044;
2. Defendant, Jane Roe’s Response To Plaintiffs Request For Production Of Documents, Civil Action No. 18 C.V. 2044;
3. Color photographs (5) of Jane Roe’s neck;
4. Deposition transcript, Jane Roe (7/9/2018);
5. Deposition transcript, John Doe (6/8/2018);
6. Deposition transcript, Elizabeth Malloy (7/23/2018);
7. Report of Investigation of Elizabeth Malloy.

By way of review, Jane Roe presented herself with friends to a party at the Alpha Phi Delta fraternity house at LaSalle University on the evening of 2/23/2018. She had not been drinking alcohol prior to arrival to LaSalle University. Within the hour, she met John Doe. Small talk was exchanged. While at the party, she drank some alcoholic beverages that included two beers from a keg and a mixture of Gatorade/Licor 43 (Spanish liquor made from 43 different ingredients, hence the name; 62 proof). As they became more acquainted, Jane Doe confessed to prior addictions to cocaine and heroin that required inpatient rehabilitation, and that she had been clean for almost 2 years. At some time in the fraternity house, consensual kissing ensued. Together, they walked outside after a time, and soon she received a text message “guys, there’s Coke here”. Jane Roe expressed a significant interest in obtaining the cocaine, but she was talked out of it by John Doe who convinced her not to buy it. A short



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time later, Jane Roe accompanied John Doe in a car driven by John Doe's friend with other students to St. Joseph's University at approximately 2 AM on 2/24/2018.

After arrival to the house, they walked up to the third floor to a little room with two couch types chairs with big arms next to each other were located. John Doe shut the door behind them, but Jane Roe was unsure as to whether or not he locked the door. Consensual kissing followed with the lights on. Soon afterwards, according to Jane Roe, he positioned himself on top of her, essentially straddling her as she sat upright in a seated position and they faced each other. It was noted in the deposition transcript that throughout the entire time period of the kissing, there was no touching of intimate body parts. Jane Roe reported no recollection of his hands caressing her or her hands caressing him, however, she assumed that there was caressing occurring "because that's usually what you do when you kiss". At this point, she testified that he straddled her as they continued to kiss. At some point, while he is touching her neck ( with her consent ) she testified that he squeezed her neck with his right hand. She reported that she "froze in fear" and couldn't breathe because she was being choked, according to her deposition. There was an investigator, Elizabeth Malloy, who prepared a report and testified at deposition. According to Ms. Malloy, Jane Roe told her while John Doe was kissing her ( with her consent) he squeezed her neck and said "what the fuck" and he immediately stopped. But, in her own deposition, Jane Roe testified that he was squeezing her neck for 30 to 45 seconds and she just sat there with her eyes closed. (I note that John Doe in his deposition transcript testified he never squeezed her neck, that she never backed away and he was never given any indication that she was in any distress, uncomfortable, or that any of his actions were nonconsensual, more consistent with her second rendition that she just sat back essentially quietly as he continued to kiss her with his right hand on her neck). She reported giving no expression that she was having pain and never gave him notice that she was having difficulty or that he should stop. At deposition she testified that he continued to kiss her at the time he squeezed her neck but when she stopped kissing him back, she reported that is when he stopped. Jane Roe said she did not indicate to him that he was applying too much pressure to her neck or that she was being choked in any way, and she mentioned nothing to him. After this, he left the room, apparently going to get his computer. When he came back to the room a few minutes later, Jane Roe said she had to leave because her friend was sick "like she's too drunk". He gave his sweatshirt to her and she left. He walked her downstairs, and they kissed at the door as she left the building.

The bruising on the neck, according to Jane Roe, was first noticed Sunday evening , 2/25/2018 by friend. It was first noticed after she put her hair up into a bun.

The five pictures of Jane Roe's neck were reviewed. The pictures show bruising with xanthochromic changes indicative of early healing/resolution about the anterior and lateral aspects of the neck

Jane Roe, in her deposition transcript, testified that her past history included suffering from PTSD (posttraumatic stress disorder), an eating disorder, alcohol and drug addiction requiring inpatient rehabilitation (cocaine, heroin, and "weed"), depression, and mood instability. Treatment provided to this patient over the years, including the date of the incident, 2/23/2018 into the early hours of 2/24/2018, involved taking the medication Lexapro (escitalopram), a commonly utilized selective serotonin reuptake inhibitor (SSRI) for depression and mood disorder. In addition, according to the defendants Answers to



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Interrogatories, there is a possibility that she had also taken over the counter medications, very possibly ibuprofen and/or aspirin, during the time period of the alleged assault.

I have been asked to provide my medical opinion as a physician experienced in treating victims of sexual assault as to any relevant medical and/or forensic evidence to support or refute Jane Roe's claim of sexual assault. Upon thorough review of the three deposition transcripts, the investigator's report, and review of the five photographs of Jane Roe's neck, it is my opinion, to a reasonable degree of medical certainty, that the undisputed facts confirm that Jane Roe was not sexually assaulted. To begin with, no touching/feeling/penetration of any sexual, intimate areas occurred. According to the testimonies, there was never even an attempt at any time for touching/feeling/penetration of any sexual, intimate area during this social encounter. According to Jane Roe's report of the encounter to Malloy, there was no assault - Jane Roe said he stopped immediately. According to Jane Roe's deposition, the description of John Doe's right hand on Jane Roe's neck, obstruction of airway and/or cranial circulation did not occur; the patient just quietly sat back, fully conscious after a 45 second handgrip on her neck (that she said cut off her airway). She also described looking into his eyes as he backed away. There was no coughing or gagging reported that would reflexively have occurred with abrupt airway cut off, or the kicking and flailing that such an act would inevitably trigger, not the passive laying back quietly as she described in her explanation to plaintiff counsel. She testified: "okay, you really don't understand PTSD. It's fight, flight or freeze. I froze. That was my reaction!" Based upon her history as she described it in her deposition I would question whether she was diagnosed with PTSD. Regardless, even someone with PTSD would still have the expected post asphyxiation reactions of gasping for air, sweating, and struggling to clear your head that did not occur either. Another typical sign of strangulation is bloodshot eyes, with or without subconjunctival hemorrhage. None of these telltale conditions were reported by anyone. I will address the bruises below.

Although there are many causes of easy bruisability, some esoteric (hepatic pathology, anemia, thrombocytopenia, blood/clotting disorders, multiple vitamin deficiencies, etc.), the medication that she takes on a regular basis for her psychiatric issues, i.e. Lexapro, is in the class of drugs known as SSRI (selective serotonin reuptake inhibitors), well-known to cause easy bruising. This medication does this by preventing serotonin induced amplification of platelet aggregation, making it difficult for clotting to occur, which allows the blood to leave the capillaries and escape into the soft tissue/subcutaneous tissues causing the purplish color of ecchymosis/bruising. To make matters worse, alcohol intake induces capillary vasodilatation which causes friability of the capillary system and increases susceptibility to bruising even with minor trauma. With the Lexapro in her system, compounded by her alcoholic beverage intake that evening (and even the potential that she took over the counter anti-inflammatory medication that she described in her answers to interrogatories), it would have taken minimal compression on the part of John Doe's right hand on her neck to cause the bruising seen on her anterior neck particularly given her testimony that she drank excessively the following day and ended up in the emergency room with one her friends who required treatment for alcohol poisoning. The effect of alcohol even 24 hours after the event would have made the bruising appear significantly worse. The bruising of the neck if it really happened at the time she was with John Doe (it is certainly possible that it did not) is also consistent with his hand was on her neck and enthusiastic caressing as opposed to strangulation description set forth by Jane Roe.

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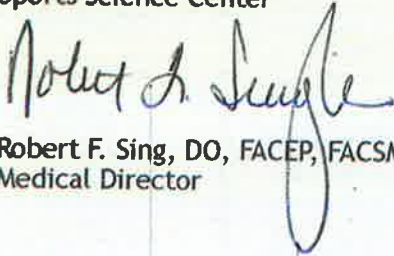
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In conclusion, in my opinion, there was never an assault, "sexual" or otherwise, on Jane Roe by John Doe in the early hours of 2/24/2018 for the above stated reasons. The bruising on Jane Roe's neck if it in fact occurred while she was with John Doe, in and of itself is not evidence of an aggressive, strangulation attempt, for the previously stated reasons. Taking into account the above information discussed above strongly discounts any accusation of aggression on part of John Doe.

Please be advised that my opinions are based, not only upon reviewing the above records and photographs, but also 40 years of treating hundreds of sexual assault and/or strangulation victims in the emergency rooms surrounding the Philadelphia area and suburbs, and continued counseling to sexual assault victims in various outpatient settings.

All of the above opinions are stated to a reasonable degree of medical certainty.

Very truly yours,  
Sports Science Center

A handwritten signature in blue ink, appearing to read "Robert F. Sing". The signature is fluid and cursive, with a large loop at the end.

Robert F. Sing, DO, FACEP, FACSM  
Medical Director



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September 24, 2018

John Mirabella, Esquire  
1600 Market St., Suite 1810  
Philadelphia, PA 19103

Re: John Doe vs. Saint Joseph's University and Jane Roe  
Date Incident: 2/24/2018

Dear Mr. Mirabella:

Jane Roe has accused John Doe of a "sexual assault" during her social encounter that occurred at approximately 2:30 AM on 2/24/2018.

Multiple listed reviewed records, reports, depositions, and photographs regarding this case, along with certain opinions and conclusions drawn from review of this information, were memorialized in a correspondence previously sent to your office dated 8/23/2018.

Recently, additional records, reports, and photographs were forwarded for review in regards to this case, including the following:

1. Deposition transcript, Jane Roe, Part II (9/7/2018);
2. Additional color photographs: R1-3 (taken the evening of 2/24/2018, approximately 19–20 hours after the allegedly assault); R4-8 (improved reproductions of the 5 color photographs previously reviewed and discussed in the prior report taken 2/26/2018); R9-31 (undated);
3. Various texts messages to and from Jane Roe.

It is apparent that upon reviewing the color photographs R1–3, and in particular photograph R1, there is no evidence of bruising, redness, irritation, or abrasions on her neck - nothing. These photographs were taken, according to Jane Roe, approximately 19-20 hours after the choking incident in question with John Doe. To a reasonable degree of medical certainty, the bruises would have been present within hours of the inciting traumatic incident. Jane Roe testified that no one, including a roommate or anyone else that day, saw the anterior neck bruises. In looking at photographs R1 - 3, the low neckline of her

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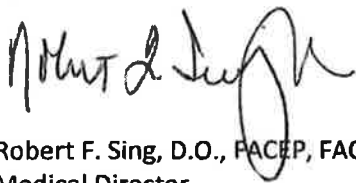
holter top with her hair being pushed back clearly exposes and displays the antero-lateral parts of her neck, not only to her roommate also in the pictures, but also to herself when she was dressing/fixing herself in front of her mirror in preparation for the pictures.

Jane Roe testified in her deposition transcript (Part II) that she had sustained a fall down slippery steps at a Sigma Pi fraternity party while she was admittedly "buzzed", during the night of 2/24/2018 into the early morning hours of 2/25/2018. (During that evening, one of her roommates was taken to the hospital for "alcohol poisoning" while at the same Sigma Pi party.) Jane Roe also testified that she presented to an undisclosed urgent care center approximately two days later on 2/27/2018 where she was told she had a "bone bruise" to her wrist.

After review of these photographs, and taking into consideration Jane Roe's deposition transcripts with emphasis on the most recent 9/7/2018 testimony, the bruises on her neck seen on photographs R4-8, (1) were not caused in any aggressive manner or choking maneuver by John Doe in the early morning hours of 2/24/2018, and (2) that something else happened to Jane Roe after the R1 - 3 photographs and before the R4-8 photographs. There are absolutely no bruises on her neck on the photographs taken approximately 20 hours after the incident. The fact that no one saw the neck bruises until after her fall down the steps at the Sigma Pi party when she was "buzzed", even with full anterior neck visual exposure in the R1 - 3 photographs, and the fact that even she did not see the anterior neck bruising until after the Sigma Pi party, indicates that the trauma significant enough to cause the bruising about her anterior neck occurred during or after the Sigma Pi party.

Again, as in my prior report, all of the above statements are made to a reasonable degree of medical certainty.

Very truly yours,  
Sports Science Center

A handwritten signature in black ink, appearing to read "Robert F. Sing". The signature is fluid and cursive, with a large, stylized "S" at the end.

Robert F. Sing, D.O., FACEP, FACSM  
Medical Director